

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-17 are pending in the present application. As this paper is submitted in response to a final rejection, entry is respectfully requested. It is submitted that the actions taken in this paper do not raise new issues or initiate new grounds for search.

Claims 1-7, 9-12, and 14-17 are rejected under 35 U.S.C. §102(e) as anticipated by Satoh et al. Further, claims 8 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Satoh et al. as applied above in view of Makela et al. With this paper, the applicants are submitting a certified English language translation of the priority document previously filed in the present application. In view of same, it is submitted that the present application antedates the effective date of Satoh et al. Accordingly, the rejections under 35 U.S.C. §§102(e) and 103(a) cannot stand because Satoh et al. is not prior art with respect to the present application.

Satoh, U.S. 2004/0087353, published May 6, 2004 on an application filed in the United States on October 3, 2003. The present application was filed in the United States on December 11, 2003, and claims the benefit of application no. 2002-359283 filed in Japan in December 11, 2002. The present rejections, based on 35 U.S.C. §102(e) and §103(a), can be overcome by filing a certified translation of the Japanese priority document. §706.02(b) of the Manual of Patent Examining Procedure (M.P.E.P.) indicates that

A rejection based on 35 U.S.C. §102(e) can be overcome by:

(E) Perfecting a claim to priority under 35 U.S.C. 119(a)-(d) within the time period set in 37 CFR 1.55(a)(1) or filing a grantable petition under 37 CFR 1.55(c). See MPEP §201.13. The foreign priority filing date must antedate the reference and be perfected. The filing date of the priority document is not perfected unless applicant has filed a certified priority document in the

application (and an English language translation, if the document is not in English) (see 37 CFR 1.55(a)(3) and the examiner has established that the priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph.

Of note, 37 C.F.R. §1.55(a)(4)(B) indicates that,

An English language translation of a non-English language foreign application is not required except: when necessary to overcome the date of a reference relied upon by the examiner.

Further, the following demonstrates that the invention recited in present claim 1 is supported by priority application no. 2002-359283 filed in Japan in December 11, 2002.

Below appears present claim 1, augmented by references to the paragraphs in the certified English translation of application no. 2002-359283 where support for each claim limitation can be found. The paragraph numbers appear in the brackets.

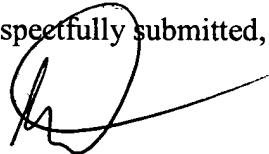
1. A foldable portable telephone comprising [0006]:
a body of the portable telephone which is foldably formed [0006, 0018];
a main operation unit for causing a function of the body of the portable telephone to be executed [0019];
a main display for displaying electronic data retained in the portable telephone [0020];
a sub-display arranged at a viewable position in a folded state [0029]; and

communication controlling means for sending email, positioned for operation when the telephone is in a folded state [0020, 0024, 0025]; wherein
the main operation unit and the main display are arranged at positions on inner sides of the body of the portable telephone when folded [claim 2, page 2],
the sub-display displays the electronic data retained in the portable telephone, wherein email can be sent when the telephone is in a folded state by operating the communication controlling means [claim 10 page 4, 0011, 0020, 0024, 0025].

Accordingly, the submission of the certified English translation of the priority document (i.e., application no. 2002-359283) filed in Japan demonstrates invention by December 11, 2002 at the latest, which date is prior to Satoh's effective date of October 3, 2003. On these facts, the rejections cannot stand.

Wherefore, based upon the foregoing, it is submitted that the present application is in condition of allowance, and a relatively early reply would be greatly appreciated.

Respectfully submitted,



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Enclosure: Certified Translation of Japanese Application Priority document